

and

IT IS FURTHER ORDERED that Plaintiffs' Motion to Remand is DENIED; and

IT IS FURTHER ORDERED that a copy of this Order be served on all parties within seven (7) days of the entry of this Order.

S/Joseph A. Greenaway, Jr.
JOSEPH A. GREENAWAY, JR., U.S.D.J.

and 4:4 - 4(a)(5). In addition to the authority Judge Haneke cites in support of his proposition that service of process was to be effectuated in accordance with the laws of New Jersey, this Court would also rely upon FED. R. CIV. P. 81(c) and the reasoning set forth in Yoder v. Yamaha Int'l Corp. et al., 331 F. Supp. 1084, 1086 (E.D. Pa. 1971). Furthermore, this Court finds that Judge Haneke was also correct in concluding that Plaintiffs' cause of action, while artfully pleaded as arising out of state common law, is clearly a civil enforcement proceeding, pursuant to §502(a)(1)(B) of the Employee Retirement Income Security Act ("ERISA"), 29 U.S.C. §1001. In addition to the reasoning set forth in the R&R, this Court would rely upon Massachusetts Mut. Life Ins. Co. v. Russell, 473 U.S. 134, 146 (1985), where the Supreme Court found the integrated civil enforcement provisions of ERISA clearly demonstrated Congressional intent to not authorize other remedies and exercise complete preemption in the field, with the exception of the "savings clause" §514(b)(2)(A) and "deemer clause" §514(b)(2)(B) of ERISA, neither of which are applicable to the motion at hand.